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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,218	12/30/2003	Keun-Bae Lee	11038-118-999	1461
24341	7590	03/04/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			EDELL, JOSEPH F	
		ART UNIT		PAPER NUMBER
				3636

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,218	LEE, KEUN-BAE	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 and 7-11 is/are rejected.
 7) Claim(s) 4-6 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "17" (Fig. 1) and "3" (Fig. 2) have both been used to designate the detecting rod. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the one end of a releasing cable further couples the slider must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: "id" (page 5, paragraph 24) should read --is--.

Appropriate correction is required.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities:
- a. claim 1, line 7, "the state" should read --a state--;
 - b. claim 2, line 7, "a pivot arm" should read --a pair of pivot arms--
 - c. claim 3, lines 1-3, "a supporting bracket integrally fixed to said seat frame for supporting said pivot arm via a hinge is further installed between said pivot

“arm” should read --a pair of supporting brackets integrally fixed to said seat frame for supporting each of said pair of pivot arms via a pair of hinges are further installed between said pair of pivot arms--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0058819 A1 to Itoh.

Itoh discloses an activating headrest that includes all the limitation recited in claims 7 and 8. Itoh shows an activating headrest having a vehicle seat 1 (Fig. 1), a headrest 36 (Fig. 7) pivotally coupled to the vehicle seat, a detecting link 11,12 (Fig. 1) coupled to the headrest and configured and dimensioned to pivot the headrest with respect to the vehicle seat in response to a vehicle accident wherein the detecting link is activated by a passenger received by the vehicle seat.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh in view of 5,934,750 to Föhl.

Itoh discloses an activating headrest that is basically the same as that recited in claims 1-3, 9, and 10 except that the activated headrest lacks a stopper means, as recited in the claims. See Figures 1-8 of Itoh for the teaching that the activating headrest has a seat frame 2,3 (Fig. 1), a return spring 33 (Prior Art of Fig. 6) installed between the detecting link and the seat frame, a headrest supporting pipe 14 (Fig. 1) into which a headrest rod (Fig. 7) is inserted, a horizontal rod 13a (Fig. 2), a pair of pivot arms (Fig. 1) installed at both ends of the horizontal rod, a detecting rod 13b (Fig. 2) protruding underneath the horizontal rod, a detecting plate 12 (Fig. 1) installed at the detecting rod, and a pair of supporting brackets 35 (Prior Art of Fig. 6) fixed to the seat frame via a pair of hinges (Fig. 6). Föhl shows an activating headrest similar to that of Itoh wherein the activating headrest has a headrest 16 (Fig. 6), a detecting body 20 (Fig. 6), and a stopper means/slider 30,32,34 (Fig 6) installed between the seat frame and the detecting body for fixing the state of the headrest which has been shifted a forward and upward position until the headrest is reset. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the activating headrest of Itoh such that the headrest has a stopper means and/or slider installed between the seat frame and the detecting link for fixing the state of the headrest which has been shifted a forward and upward position until the headrest

is reset, such as the activating headrest disclosed in Föhl. One would have been motivated to make such a modification in view of the suggestion in Föhl that the stopper means maintains the headrest in a forward position and may be adjusted incrementally via the lever and ratchet member.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh in view of Föhl as applied to claims 1-3, 9, and 10 above, and further in view of U.S. Patent No. 5,842,738 to Knoll et al.

Itoh, as modified, discloses an activating headrest that is basically the same as that recited in claim 11 except that the activated headrest lacks a release cable, as recited in the claim. Knoll et al. show an activating headrest similar to that of Itoh wherein a ratchet member 18 (Fig. 1) has a release cable 24 (Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the activating headrest of Itoh such that the headrest has a release cable coupled with the slider, such as the activating headrest disclosed in Knoll et al. One would have been motivated to make such a modification in view of the suggestion in Knoll et al. that the release cable provides releasable adjustment of a ratchet and lever arrangement.

Allowable Subject Matter

10. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to activating headrests:

U.S. Pat. No. 1,291,975 to McNulty

U.S. Pat. No. 2,973,029 to Schlosstein

U.S. Pat. No. 5,795,019 to Wieclawski

U.S. Pat. No. 5,884,968 to Massara

U.S. Pat. No. 6,199,947 B1 to Wiklund

U.S. Pat. No. 6,375,262 to Watanabe

U.S. Pub. No. 20040155496 to Farquhar et al. U.S. Pat. No. 6,779,840 B1 to Farquhar et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joe Edell
March 2, 2005